

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: By **CHAIRMAN VICKI COCCHIARELLA**, on February 19, 2007 at 9:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Vicki Cocchiarella, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Roy Brown (R)
Sen. John Esp (R)
Sen. Verdell Jackson (R)
Sen. Lane L. Larson (D)
Sen. Don Ryan (D)
Sen. Frank Smith (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 511, 2/17/2007; SB 460,
2/13/2007; SB 475, 2/15/2007; SB
114, 2/13/2007
Executive Action: SB 511, LETTER TO WORKER'S
COMPENSATION BOARD, SB 419, SB 114,
SB 460

00:06:36 Chairwoman Cocchiarella

HEARING ON SB 511

Opening Statement by Sponsor:

00:07:47 **SEN. MIKE COONEY (D)**, **SD 40**, opened the hearing on **SB 511**, Regulate work comp claims examiners.

Proponents:

00:08:40 Janine Brown, Self

00:13:51 Don Judge, Montana Injured Workers Resource Council
and Teamsters Local 190

00:15:38 Jason Miller, Montana AFL-CIO

Opponents:

00:16:59 Bob Worthington, Montana Municipal Insurance Authority

00:19:03 Larry Jones, Liberty Northwest Insurance

00:20:11 George Wood, Executive Secretary, Montana Self-Insurers
Association

00:21:29 Nancy Butler, Montana State Fund (MSF)

Informational Testimony:

00:22:49 Diana Ferriter, Bureau Chief, Worker's Compensation
Division, Department of Labor and Industry (DLI)

EXHIBIT(bus37a01)

Questions from Committee Members and Responses:

00:25:37 Sen. Ryan to Diana Ferriter, DLI

Closing by Sponsor:

00:26:55 Sen. Cooney

HEARING ON SB 460

Opening Statement by Sponsor:

00:29:20 SEN. JOHN ESP (R), SD 31, opened the hearing on SB 460,
Revise plumbing law.

EXHIBIT (bus37a02)

Proponents: None.

Opponents:

00:31:28 Mike Waldenberg, Central Plumbing and Heating
00:34:14 Olaf Stimac, Jr., Attorney, Board of Electricians
00:37:14 John Forken, President, Montana Plumbers and
Pipefitters
00:38:25 Ken Williams, William's Plumbing and Heating
00:40:00 Scott Lemert, Ranger Plumber
00:40:57 Ryan Werner, Werner Plumbing and Heating
00:42:10 Robert Rooney, Rooney's Quality Construction and
Plumbing
00:42:59 Mark Gold, Board of Plumbers
00:45:54 Carl Schweitzer, Association Plumbing and Heating
Contractors of Montana
00:46:20 J.D. Lynch, Montana State Building Trades
00:46:55 Jason Miller, Montana State AFL-CIO

Informational Testimony:

00:47:13 Mark Maki, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

00:47:37 Sen. Smith to Mark Maki, DLI
00:50:01 Sen. Balyeat to Mark Maki, DLI
00:53:00 Sen. Balyeat to Sen. Esp

00:55:03 Sen. Cocchiarella to John Forken, Montana
Plumbers and Pipefitters

00:58:36 Sen. Balyeat to Olaf Stimac, Jr., Montana Board of
Electricians

Closing by Sponsor:

00:59:54 Sen. Esp

HEARING ON SB 475

Opening Statement by Sponsor:

01:03:40 **SEN. LANE LARSON (D)**, SD 22, opened the hearing on **SB 475**, Require licensure for scaffold erectors.

Proponents:

01:05:54 Dennis Dancke, Carpenter's Union

01:06:49 Clarence Weber, Carpenter's Union

01:07:34 Kim Rivera, Carpenter's Union

01:08:34 Rod Kimmet, Carpenter's Union

EXHIBIT (bus37a03)

01:09:39 Jason Miller, Montana State AFL-CIO

Opponents:

01:10:59 Cary Hagreberg, Montana Contractors' Association (MCA)

Informational Testimony:

01:14:30 Jill Caldwell, Bureau Chief, Occupational and Licensing
Bureau, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

01:14:57 Sen. Ryan to Cary Hagreberg, MCA

01:17:00 Sen. Brown to Jill Caldwell, DLI

01:17:35 Sen. Brown to Sen. Larson

01:18:28 Sen. Tropila to Sen. Larson

01:20:06 Sen. Cocchiarella to Sen. Larson

01:20:40 Sen. Balyeat to Sen. Larson

01:22:54 Sen. Smith to Cary Hagreberg, MCA

Closing by Sponsor:

01:23:46 Sen. Larson

01:27:18 Sen. Cocchiarella

HEARING ON SB 114

Opening Statement by Sponsor:

01:27:39 **SEN. LANE LARSON (D), SD 22**, opened the hearing on **SB 114**, Revise construction lien laws.

Proponents:

01:28:25 Carl Schweitzer, Montana Subcontractors Association (MSA)

EXHIBIT (bus37a04)

01:36:20 Keith Allen, International Brotherhood of Electrical Workers Local 233 (IBEW 233)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:36:59 Sen. Brown to Sen. Larson

01:37:56 Sen. Cocchiarella to Carl Schweitzer, MSA

01:42:00 Sen. Esp to Carl Schweitzer, MSA

01:43:43 Sen. Ryan to Carl Schweitzer, MSA

Closing by Sponsor:

01:44:31 Sen. Larson

EXECUTIVE ACTION ON SB 511

01:53:55 **Motion:** SEN. SQUIRES moved that SB 511 DO PASS.

Discussion:

01:54:11 Sen. Larson

01:55:08 **Motion:** SEN. LARSON moved that a CONCEPTUAL AMENDMENT TO SB 511 BE ADOPTED.

Discussion:

01:57:43 Sen. Brown

01:59:02 Sen. Esp

01:59:54 Sen. Balyeat

02:00:53 Sen. Squires

02:02:19 Sen. Cocchiarella

02:02:56 Sen. Squires

02:04:11 Sen. Jackson

02:05:06 **Vote:** Motion carried 10-1 by voice vote that a CONCEPTUAL AMENDMENT BE ADOPTED with SEN. ESP voting no.

02:05:20 **Motion:** SEN. SQUIRES moved that SB 511 DO PASS AS AMENDED.

Discussion:

02:06:13 Sen. Cocchiarella

02:06:58 Sen. Squires

02:07:17 Sen. Balyeat

02:08:40 Sen. Cocchiarella

02:09:48 Sen. Esp

02:12:10 Sen. Tropila to Sen. Cocchiarella

02:13:13 Sen. Brown

02:13:22 Sen. Balyeat

02:13:54 Sen. Cocchiarella to Bob Worthington, Montana Labor Board

02:15:46 Sen. Cocchiarella

02:17:35 Motion/Vote: SEN. TROPILA moved that SB 511 DO PASS AS AMENDED. Motion failed 3-8 by voice vote with SEN. LARSON, SEN. SQUIRES, and SEN. TROPILA voting aye.

02:18:13 Motion/Vote: SEN. ESP moved that SB 511 BE TABLED AND THE VOTE REVERSED. Motion carried 8-3 by voice vote with SEN. LARSON, SEN. SQUIRES, and SEN. TROPILA voting no.

EXECUTIVE ACTION ON LETTER TO WORKER'S COMPENSATION BOARD

02:19:33 Motion/Vote: SEN. COCCHIARELLA made a motion that the committee write a LETTER TO WORKER'S COMPENSATION BOARD. Motion carried unanimously by voice vote.

Discussion:

02:20:01 Sen. Squires

02:20:55 Sen. Cocchiarella

EXECUTIVE ACTION ON SB 419

02:23:35 Motion: SEN. SQUIRES moved that SB 419 DO PASS.

Discussion:

02:23:58 Sen. Esp

02:24:09 Motion: SEN. ESP moved that AMENDMENT SB041901.APM BE ADOPTED.

Discussion:

02:24:42 SEN. ESP withdrew his motion that amendment SB041901.APM BE ADOPTED.

02:24:56 **Motion/Vote:** SEN. ESP moved that AMENDMENT SB041902.APM BE ADOPTED. Motion carried unanimously by voice vote.

EXHIBIT(bus37a05)

Discussion:

02:27:42 Sen. Esp

02:28:38 Sen. Cocchiarella

02:30:15 Sen. Balyeat

02:33:11 **Motion:** SEN. SQUIRES moved that SB 419 DO PASS AS AMENDED.

Discussion:

02:33:26 Sen. Brown to Pat Murdo, LSD

02:34:59 Sen. Cocchiarella to Sen. Brown

02:35:22 Sen. Smith to Sen. Cocchiarella

EXECUTIVE ACTION ON SB 114

02:36:33 **Motion:** SEN. LARSON moved that SB 114 DO PASS.

Discussion:

02:37:04 Sen. Esp

02:37:36 **Motion:** SEN. BROWN moved that a CONCEPTUAL AMENDMENT TO REMOVE SECTION #2 from SB 114 BE ADOPTED.

Discussion:

02:39:11 Sen. Larson

02:40:57 Sen. Esp

02:41:09 **Motion/Vote:** SEN. ESP moved that the CONCEPTUAL AMENDMENT to REMOVE SECTION #2 from SB 114 DO PASS. Motion carried unanimously by voice vote.

02:41:32 **Motion/Vote:** SEN. LARSON moved that SB 114 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 460

02:41:58 **Motion:** SEN. ESP moved that SB 460 DO PASS.

Discussion:

02:42:51 Sen. Esp

02:43:27 Sen. Larson

02:45:27 **Motion/Vote:** SEN. TROPILA moved that SB 460 BE TABLED. Motion carried 6-5 by roll call vote with SEN. BALLYEAT, SEN. ESP, SEN. JACKSON, SEN. SMITH, and SEN. STEINBEISSER voting no.

Discussion:

02:48:25 Sen. Squires to Sen. Cocchiarella

02:49:54 Sen. Ballyeat to Sen. Cocchiarella

ADJOURNMENT

Adjournment: 11:50 A.M.

SEN. VICKI COCCHIARELLA, Chairman

CLAUDIA JOHNSON, Secretary

VC/cj

Additional Exhibits:

EXHIBIT ([bus37aad.pdf](#))